



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 2 मार्च, 1977/11 फाल्गुन, 1898

GOVERNMENT OF HIMACHAL PRADESH

LABOUR DEPARTMENT

NOTIFICATION

Simla-171002, the 26th February, 1977

No. 7-112/76.LEP-Shram.—The following draft rules which the Governor of Himachal Pradesh proposes to make in exercise of the powers conferred by sections 49, 50 and 112 of the Factories Act, 1948 (Central Act No. LXIII of 1948) are published as required under section 115 of the said Act for the information of persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration after the expiry of three months from the date of publication of this notification in the Rajpatra, Himachal Pradesh.

Any person who has any objection or suggestion to make, they send the same to the Labour Commissioner, Himachal Pradesh within the above-mentioned period

and the objections and suggestions so received shall be duly taken into consideration by the competent authority before adopting the Rules finally.

DRAFT RULES

1. *Short title and commencement.*—(1) These rules may be called the Himachal Pradesh Welfare Officers Recruitment and Conditions of Service Rules, 1977.

(2) They shall come into force at once.

2. *Definitions.*—In these rules, unless the context otherwise requires,—

(a) “Act” means the Factories Act, 1948 (LXIII of 1948);

(b) the expressions “factory” and “occupier” have the meanings respectively assigned to them in the Act.

3. *Number of Welfare Officers.*—There shall be one Welfare Officer for factories employing five hundred to two thousand workers. There shall be an additional Welfare Officer for every additional two thousand workers or fraction thereof over five hundred. Where there are more than one Welfare Officer one of them shall be appointed as the Chief Welfare Officer.

4. *Pay scales and emoluments of Welfare Officers.*—The Welfare Officers shall be entitled to the scale of pay given below:—

Category I. For factories employing more than 2,000 workers. (i) Chief Welfare Officer Rs. 700-40-1100.

(ii) Welfare Officer, Rs. 350-25-500/30-590/30-830-35/900.

Category II. For factories employing 500 to 2,000 workers. Welfare Officer, Rs. 350-25-500/30-590/30-830/35-900:

Provided that—

(a) nothing in this rule shall be deemed to prevent the grant of scales of pay higher than those mentioned above or affect the emoluments of the Chief Welfare Officer, and the Welfare Officer who are enjoying scales of pay higher than these mentioned above.

(b) the scales of pay mentioned above shall be exclusive of the dearness allowance and other allowances, which shall be payable at such rates as may, from time to time, be admissible to the Himachal Pradesh Government employees enjoying the same pay.

5. *Qualifications.*—A person shall not be eligible for appointment as a Welfare Officer unless he—

(a) possess a degree of University recognised by the State Government in this behalf;

(b) has obtained a Degree or diploma in Social Science from any institution recognised by the State Government in this behalf; and

(c) has adequate knowledge of the language spoken by the majority of the workers in the factory to which he is to be attached;

(d) experience of working in hilly areas.

(e) knowledge of customs, manners and dialects of Himachal Pradesh:

Provided that in the case of a person who is acting as a Welfare Officer at the commencement of these Rules the State Government, may, subject to such conditions as it may specify, relax the aforesaid qualifications.

6. *Recruitment of Welfare Officers.*—(1) The post of a Welfare Officer shall be advertised in at least two newspapers having a wide circulation in the State one of which shall be a newspaper published in English.

(2) The selection shall be made from among the candidates applying for the post by a Committee appointed by the occupier of the Factory.

(3) The appointment when made shall be notified by the occupier to the State Government or such authority as the State Government may specify for the purpose giving full details of the qualifications, etc. of the Officer appointed and the conditions of his service.

7. *Conditions of service of Welfare Officer.*—(1) A Welfare Officer shall be given appropriate status corresponding to the status of the other executive heads of the factory.

(2) The conditions of service of a Welfare Officer shall be the same as of other members of the staff of corresponding status in the factory.

(3) Notwithstanding anything contained in sub-rule (2), the management may impose any one or more of the following punishments on Welfare Officer.—

- (i) Censure;
- (ii) Withholding of increments including stoppage at an efficiency bar;
- (iii) reduction to a lower stage in a time scale;
- (iv) suspension; and
- (v) dismissal or termination of service in any other manner:

Provided that no order of punishment shall be passed against the Welfare Officer unless he has been informed of the grounds on which it is proposed to take action and give a reasonable opportunity of defending himself against the action proposed to be taken in regard to him:

Provided further that the management shall not impose any punishment other than censure except with the previous concurrence of the Labour Commissioner, Himachal Pradesh.

(4) The Labour Commissioner, Himachal Pradesh, before passing orders on a reference made under second proviso to sub-rule (3) shall give the Welfare Officer an opportunity of showing cause against the action proposed to be taken against him and if necessary may hear the parties in person.

(5) If the Labour Commissioner, on a reference made to him under the second proviso to sub-rule (3) of rule 6, refuses to give his concurrence, the management may appeal to the State Government within thirty days from the date of the receipt of the such refusal. The decision of the State Government shall be final and binding.

(6) A Welfare Officer upon whom the punishment mentioned in clause (v) of sub-rule (3) is imposed may appeal to the State Government against the order of punishment within thirty days from the date of receipt of the order by him. The decision of the State Government shall be final and binding.

(7) The State Government may pass such interim order as may be necessary pending the decision of appeal filed under sub-rule (5) or sub-rule (6).

8. *Duties of Welfare Officer.*—The duties of a Welfare Officer shall be—

- (i) to establish contacts and hold consultations with a view to maintaining harmonious relations between the factory management and workers;
- (ii) to bring to the notice of the factory management the grievances of workers, individual as well as collective with a view to securing their expeditious redress and to act as Liaison Officer between the management and labour;
- (iii) to study and understand the point of view of labour in order to help the factory management to shape and formulate labour policies and to interpret these policies to the workers in a language they can understand;
- (iv) to watch industrial relations with a view to using his influence in the event of a dispute arising between the factory management and workers and to help to bring about settlements by persuasive efforts;
- (v) to advise on fulfilment by the concerned departments of the factory on obligations, statutory or otherwise concerning the applications, of provisions of the Act, and the rules made thereunder, and to establish liaison with the Factory Inspector and the Medical Services concerning medical examination of employees health records, supervision of hazardous jobs, sick visiting, and convalescents, accidents, prevention and supervision of safety committees, systematic plant, inspection, safety education, investigation of accidents, maternity benefits and workman's compensation;
- (vi) to promote relations between the concerned department of the factory and the workers which will bring about productive efficiency as well as, amelioration in the working conditions and to help workers to adjust and adapt themselves to their working environments;
- (vii) to encourage the formation of works and Joint Production Committee, Co-operative Societies and Safety First and Welfare Committees, and to supervise their work;
- (viii) to advise on provision of welfare facilities such as canteen shelters for rest creches, adequate latrine facilities, drinking water sickness and benevolent scheme, payments, pension and superannuation funds, gratuity payments, granting of loans, and legal advice to the workers;
- (ix) to help the factory management in regulating the grant of leave with wages and explain to the workers the provision relating to leave with wages and other leave privileges and to guide the workers in the matter of submission of application for grant of leave for regulating authorised absence;
- (x) to secure welfare provisions, such as housing facilities, foodstuffs, social and recreational facilities, sanitation, advice on individual personnel problems and education of children;
- (xi) to advise the factory management on question relating to training, of new starters, apprentices, workers on transfer and promotion, instructors and supervisors, supervision and control of notice board and information bulleting to further education of workers and to encourage their attendance at technical institutes;
- (xii) to suggest measures which will serve to raise the standard of living of workers and in general promote their well being.

9. *Welfare Officer not to perform certain duties.*—A Welfare Officer shall not perform any other duties except those mentioned in rule 8 or hold any other Office or post without the previous sanction in writing of the Labour Commissioner or the State Government.

10. *Power of exemption.*—The State Government may, by notification in the Official Gazette, exempt, any factory or class or description of factories from the operation of all or any of the provisions of these rules, subject to compliance with such alternative arrangement as may be approved.

11. *Rescission and savings.*—The Himachal Pradesh Welfare Officers (Recruitment and Conditions of Service) Rules, 1951 as, in force in the areas as, comprised in the Himachal Pradesh immediately before the 1st November, 1966 and the Punjab Welfare Officers (Recruitment and Conditions of Service) Rules, 1952 as in force in the territories added to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 are hereby repealed but all acts done and orders issued under the rules so repealed shall so far as they are not inconsistent with these rules, be deemed to have been respectively done and issued under these Rules.

By order,
R. C. GUPTA,
Secretary.

